

MEETING OF THE BOARD OF CITY COMMISSIONERS

DECEMBER 8, 2015

The Board of City Commissioners met in regular session on December 8, 2015 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/County Office Building, 221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary.

A Chaplain of the Bismarck Police Department presented the invocation.

1. The Board of City Commissioners considered approval of the minutes of the meeting on November 24, 2015.

Commissioner Grossman made a motion to approve the minutes. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

2. CONSENT AGENDA

A. The Board of City Commissioners considered and approved voucher numbers 1060695 to 1060993.

B. The Board of City Commissioners reviewed the personnel actions.

C. The Board of City Commissioners considered applications for tax abatement for Disabled Veteran Credits:

- 718 N 3rd St (0015-003-015) – 2014 & 2015 – Disabled Veteran: Kenneth & Carol Hogue qualified for the abatement.
- 4106 Lorraine Pl (2066-001-185) – 2015 – Disabled Veteran: Janet Nitschke qualified for the abatement.

D. The Board of City Commissioners considered request from City Administration to begin the consultant selection process for the FiveSouth Parking Ramps Design

The FiveSouth project appears to be moving toward a notice that the developments contemplated by the developers will be implemented. In order to expedite the city's responsibilities under the development agreement, staff recommends that we begin the process of selection of an architect to design the parking ramps included in this project.

Since there are two ramps involved in the project, staff believes that a single design contract for both ramps will achieve some economies both in design and construction. We would suggest that we begin the consultant selection process now so

that we are ready to start design as soon as we hear from the FiveSouth developers that their development is imminent. This should save considerable time in moving the project forward.

E. The Board of City Commissioners considered the following requests from the Bismarck Airport:

- Amendment 1 to the October 2013 professional services agreement with KLJ.
- Amendment 1 to the July 31, 2015 agreement with Twin City Tire Co. Inc. (dba Avis Rent-A-Car).
- Modification P0001 to Other Transaction Agreement (OTA) HSTS01-15-H-CKP004 with the Transportation Security Administration (TSA) for custodial reimbursement

F. The Board of City Commissioners considered the request from Engineering Department for approval of the North Dakota Department of Transportation (NDDOT) Maintenance Certification.

G. The Board of City Commissioners considered introduction of and called for a public hearing on the following from the Community Development Department (Bismarck Planning & Zoning Commission recommends approval):

- Ordinance 6179, a zoning ordinance text amendment relating to Special Uses/Asphalt and Concrete Production Facilities.

ORDINANCE NO. 6179

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-08, 14-04-14 AND 14-04-17 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES, MA INDUSTRIAL DISTRICT, AND AN A AGRICULTURAL DISTRICT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

t. Asphalt and Concrete ~~Batch Plants~~ Production Facilities. Asphalt and concrete ~~batch plants~~ production facilities, either permanent or temporary, may be permitted in any A or MA district, and concrete batch plants production facilities, either permanent or temporary, may be permitted in any A district as a special use provided:

1. The site is located at least 1/2 mile from any residentially zoned property.

2. A site plan is submitted showing the overall dimensions of the site, the location of specific activities, fences, parking areas and access roads.

3. A written narrative is submitted describing the operation of the facility, including fugitive dust management, run-off control, and spill containment.

4. A permit to operate is issued by the North Dakota Department of Health prior to operation of the facility, if required.

5. The County Engineer and/or City Engineer, depending on location of the site, has approved the proposed access (ingress/egress) for the operation.

6. For temporary asphalt or concrete ~~batch plants~~ production facilities, the following additional provisions apply:

a) The temporary asphalt or concrete ~~batch plants~~ production facility is for a specific construction project and not for general sale of product to the public.

b) At the time of initial consideration, the applicant provides a detailed written explanation of the length of time needed for the use.

c) The use is for a specified period of time, tied to the duration of the construction project, which shall be clearly stated in the approval of the temporary use permit.

* * * * *

(Ord. 4136, 4-28-87; Ord. 4286, 08-22-89; Ord. 4312, 2-20-90; Ord. 4331, 6-05-90; Ord. 4425, 03-31-92; Ord. 4486, 04-27-93; Ord. 4563, 12-07-93; Ord. 4564, 11-23-93; Ord. 4598, 04-28-94; Ord. 4598, 04-28-94; Ord. 4620, 07-19-94; Ord. 4702, 06-13-95; Ord. 4713, 08-22-95; Ord. 4738, 11-14-95; Ord. 4739, 11-14-95; Ord. 4745, 02-13-96; Ord. 4802, 11-12-96; Ord. 4808, 11-12-96; Ord. 4912, 07-14-98; Ord. 4913, 06-09-98; Ord. 4936, 09-08-98; Ord. 4946, 10-27-98; Ord. 5027, 02-08-00; Ord. 5214, 11-12-02; Ord. 5218, 11-26-02; 5224, 12-17-02; Ord. 5228, 01-28-03; Ord. 5278, 09-23-03; Ord. 5317, 06-22-04; Ord. 5343, 06-22-04; Ord. 5348, 07-27-04; Ord. 5351, 08-24-04; Ord. 5438, 06-28-05; Ord. 5467, 10-25-05; Ord. 5527, 06-27-06; Ord. 5719, 05-12-09; Ord. 5728, 05-26-09; Ord. 5764, 01-12-10; Ord. 5820, 4-26-11; Ord. 5852, 11-22-11; Ord. 5958, 03-26-13; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6050; 05-27-14, corrected 06-10-14; Ord. 6121, 05-26-15; Ord. 6122, 05-26-15);

Section 2. Amendment. Section 14-04-14 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to MA Industrial District is hereby amended and re-enacted to read as follows:

14-04-14. MA Industrial District. In any MA industrial district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted:

* * * * *

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

* * * * *

t. Asphalt production facilities, both permanent and temporary.

* * * * *

(Ord. 4242, 2-28-89; Ord. 4461, 08-18-92; Ord. 4486, 04-27-93; Ord. 4735, 11-14-95; Ord. 4808, 11-12-96; Ord. 4811, 12-17-96; Ord. 4912, 07-14-98; Ord. 5958, 03-26-13; Ord. 6040, 04-22-14)

Section 3. Amendment. Section 14-04-17 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to an A Agricultural District is hereby amended and re-enacted to read as follows:

14-04-17. "A" Agricultural District. In an A agricultural district, the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

* * * * *

The following special uses are allowed as per Section 14-03-08 hereof:

* * * * *

s. Concrete and asphalt production facilities, both permanent and temporary.

* * * * *

(Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4803, 11-12-96; Ord. 5026, 02-08-00; Ord. 5027, 02-08-00; Ord. 5286, 11-13-03; Ord. 5287, 12-16-03; Ord. 5368, 11-23-04; Ord. 5478, 12-13-05; Ord. 5665, 05-27-08; Ord. 5902, 06-26-12; Ord. 5958, 03-26-13; Ord. 6040, 04-22-14; Ord. 6109, 03-24-15)

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

- Ordinance 6180 relating to a zoning change from the RM15-Residential zoning district to the R10-Residential zoning district on Lot 18, Block 1, Edgewood Village 5th Addition, requested by Bud and Joan Zavalney, Douglas and Beverly Doolittle and Scott and Cheryl Olson.

ORDINANCE NO. 6180

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM15-Residential zoning district and included in the R10-Residential zoning district:

Lot 18, Block 1, Edgewood Village 5th Addition.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

- Ordinance 6181 relating to a zoning change from the R10-Residential, RT-Residential and PUD-Planned Unit Development zoning districts to the PUD-Planned Unit Development zoning district on Lot 1, Block 1, Capital View Addition, Lot 1, Block 1, Capitol Place and Lots 5-10, Block 8, Fisher Addition, requested by First International Bank & Trust.

ORDINANCE NO. 6181

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the, PUD – Planned Unit Development district, RT – Residential district and the R10 – Residential district and included within the PUD – Planned Unit Development District.

Lot 1, Block 1, Capital View Addition; Lot 1, Block 1, Capitol Place; and Lots 5-10, Block 8, Fisher Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted within this PUD:

- a. Office-bank group
- b. Drive-through teller service establishment in conjunction with a financial institution (phase one of the development)
- c. Drive-through teller service establishment in one existing building located on the southern portion of the site. The drive-through teller service would cease operation at the existing building upon operation of the financial institution in the phase one mixed-use building.

- d. Accessory parking structure
- e. A restaurant with a bar
- f. A coffee shop (phase two of the development)

All other uses not included in this list shall be prohibited.

2. *Special Uses.* There are no special uses allowed.

3. *Dimensional Standards.*

- a. The minimum building setback along the west is 25 feet adjacent to North 12th Street /State Street.
- b. The minimum building setback along the north is 25 feet adjacent to East Divide Avenue
- c. The minimum building setback along the east is 40 feet adjacent to 13th Street North and 80 feet adjacent to residential dwellings.
- d. The minimum building setback along the south is 40 feet plus 10 feet for each story beyond the second story of the building.
- e. Height. The maximum building height is 85 feet for the primary portion of the building, as shown on Exhibit 1 submitted with the application. The maximum building height for the elevator tower is 106 feet, as shown on Exhibit 1 submitted with the application. The maximum building height for the parking structure is 46 feet, as shown on Exhibit 1 submitted with the application.
- f. Lot Coverage. The maximum lot coverage for buildings and required parking is 75% of the total lot area.

4. *Design and Aesthetic Standards.*

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance. The design of the building shall generally conform to the submitted architectural renderings submitted with the application. The building's primary exterior

treatments shall be composed of brick or a similar material, precast panels or a similar material, metal panels or a similar material and glass windows.

5. *Development Standards.*

- a. Accessory Buildings. Accessory buildings are not allowed within this Planned Unit Development.
- b. Parking and Loading. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.
- c. Landscaping and Screening. Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
- d. Buffer Yards. Buffer yards shall be provided along the south and east property lines and shall generally conform to the site plan that was submitted with the application. The buffer yards shall be completely installed in conjunction with phase one development.
- e. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
- f. Signage. Signage for the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development. A pylon sign may not exceed 30 feet in height. Digital signage on the north-facing facades shall not be permitted. Signage shall not be permitted on the east-facing building facades.
- g. Lighting. Exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts.

- h. All other development standards shall be as outlined in Section 14-04-08, RT-Residential District, of the City Code of Ordinances.
6. *Roadway Improvements.* The developer shall be responsible for the cost of implementing the recommendations of the October 2015 Traffic Impact Study as approved.
7. *Site Plan Review.* The site plan submitted with the application does not constitute an official site plan. Prior to development the proposed development is subject to the City's Site Plan Review Process and must meet the established regulations and guidelines.
8. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

- Overall amendment to the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, initiated by the city of Bismarck.

The reason for the request is to align the Future Land Use Plan in the 2014 Growth Management Plan with other adopted plans, including the 2014 Fringe Area Road Master Plan and the 2015 Ash and Ward Coulees Watershed Master Plan, as well as make other updates to the Future Land Use Plan.

The Planning & Zoning Commission held a public hearing on this request on Tuesday, November 17, 2015, and based on the finding contained in the staff report (included in the agenda packet), recommended approval of the attached amendments to the Future Land Use Plan (FLUP).

H. The Board of City Commissioners considered the following requests from the Finance Department:

- Call for a public hearing on the special assessment policy pursuant to NDCC 40-22-01.2.
- Consider the amended 2016 budget ordinance (Ordinance 6182) and call for a public hearing.

ORDINANCE NO. 6463 6182

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OF THE CITY OF BISMARCK, NORTH DAKOTA FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016 AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2015.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. There are hereby appropriated the following sums of money for so much thereof that may be necessary for the purpose of paying expenses of the City of Bismarck, North Dakota for the fiscal year commencing January 1, 2016 and ending December 31, 2016.

	Personal Services	Maintenance & Operations	Capital Outlays	Transfers	Total
Budgeted Funds:					
<u>General Fund</u>					
Administration	608,622	228,898	-	-	837,520
Salary & Benefits Adjustment	710,535	38,134	-	-	748,669
Building Maintenance	266,412	417,959	-	-	684,371
Building Construction	-	-	-	1,217,000	1,217,000
Dakota Media Access	-	370,251	-	-	370,251
Contingencies	-	-	-	825,000	825,000
Attorney	524,735	18,813	-	-	543,548
Combined Communications	<u>2,014,222</u>	<u>666,978</u>	-	-	<u>2,681,200</u>
(REVISED)	1,735,554	558,454	-	-	2,294,005
City Emergency Management	87,182	13,898	-	-	101,080
Engineering	2,284,153	121,736	-	-	2,405,889
		<u>651,613</u>			<u>3,505,115</u>
Finance (REVISED)	2,853,502	617,443	-	-	3,470,645
Fire Department	7,052,990	517,535	-	-	7,570,525
Human Resources	454,298	19,333	-	-	473,631
Employee Training	18,140	34,520	-	-	52,660
Municipal Court	403,382	103,077	-	-	506,459
Community Development	1,448,762	156,067	-	-	1,604,829
Metropolitan Planning Org	203,574	913,099	-	24,704	1,141,377

	Personal Services	Maintenance & Operations	Capital Outlays	Transfers	Total
Police	10,615,923	1,175,871	32,209	-	11,824,003
Public Health	1,954,013	305,952	-	-	2,259,965
One-time Operations	338,039	1,434,301	1,318,022	1,210,000	4,300,362
Equipment Reserve		58,545	76,800	-	135,345
Nondepartmental	913,850	257,276	-	1,967,134	3,138,260
	32,752,334	7,503,856			46,927,059
General Fund Total (REVISED)	32,473,663	7,360,832	1,427,031	5,243,838	46,505,364
<u>Special Revenue Funds</u>					
E&H Transit System	-	4,007,703	-	-	4,007,703
Bismarck Public Library	1,768,919	936,544	12,050	112,600	2,830,113
Police Drug Enforcement	9,175	57,558	24,999	-	91,732
Roads & Streets	3,496,760	3,426,760	948,740	123,296	7,995,556
Street Lights & Traffic Signal	679,337	1,325,387	244,112	308,914	2,557,750
Hotel & Motel Tax	-	1,089,700	-	192,300	1,282,000
Lodging Liquor & Food Tax	-	366,550	-	2,443,214	2,809,764
Sales Tax	-	500	-	23,191,826	23,192,326
Vision Fund	114,937	2,848,300	-	-	2,963,237
Social Security Tax	-	-	-	1,600,000	1,600,000
Special Deficiency & Assumption	-	258,500	-	1,391,030	1,649,530
Gov't Grants & Activities	1,176,924	2,723,890	1,612,000	23,336	5,536,150
Special Revenue Funds Total	7,246,052	17,041,392	2,841,901	29,386,516	56,515,861
<u>Debt Service Funds</u>					
Sewermain Bonds	-	6,027,825	-	500,000	6,527,825
Watermain Bonds	-	742,795	-	260,000	1,002,795
Sidewalk Bonds	-	1,521,793	-	50,000	1,571,793
Street Improvement Bonds	-	19,924,621	-	1,000,000	20,924,621
Debt Service Funds Total	-	28,217,034	-	1,810,000	30,027,034
	39,998,386	52,762,282			133,469,954
Total Budgeted Funds (REVISED)	39,719,715	52,619,258	4,268,932	36,440,354	133,048,259

Section 2. There are hereby levied the following sums of money on all taxable property in the City of Bismarck for the year 2015 for the purpose of paying expenses of the City of Bismarck.

EXPENSE	AMOUNT
General Fund	12,023,288
Building Construction	3,238,160
Special Deficiency	971,448
E/H Transit System	971,448
Library	1,942,896
TOTAL	19,147,240

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

I. The Board of City Commissioners considered request from the Human Resources Department for hiring accommodations of Morton County dispatchers.

J. The Board of City Commissioners considered request for approval of contract with Thomas J. Glass and Steven Balaban for indigent defense in Municipal Court.

K. The Board of City Commissioners considered request from Public Works Utility Operations Department for approval of time extension change order with Crow River Construction until June 15, 2016 to allow site restoration to be completed for the Southport Lift Station Project.

Addendum Items:

L. Consider request from Public Works Utility Operations Department for approval to purchase three vehicles at state bid prices.

Commissioner Guy asked to pull Item J. Commissioner Grossman requested to pull the first bullet under Item H. Commissioner Askvig made a motion to approve the remaining items on the consent agenda. Commissioner Grossman seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

Item J – The Board of City Commissioners considered request for approval of contract with Thomas J. Glass and Steven Balaban for indigent defense in Municipal Court.

Commissioner Guy said she got some clarification on Item J from City Attorney Charlie Whitman. He said Mr. Glass' initial bid included his services as well as those of Justin Roness, however Mr. Roness is no longer interested in that work. So the bids approved

by Judge William Severin were for Mr. Glass only and Mr. Balaban.

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

Item H, 1st Bullet – Call for a public hearing on the special assessment policy pursuant to NDCC 40-22-01.2.

Commissioner Grossman said the Special Assessment Committee is busy reviewing the proposed changes to the Special Assessment Policy as part of their annual review. The policy revisions will be presented to the Board at the December 22 City Commission meeting. During the 2015 session, the Legislature added a new section to the NDCC that requires the governing body of each city with a population exceeding ten thousand to adopt written policies, after a public hearing for consideration of the policies. Staff does have the written policies that the Board has approved so staff will also call for a public hearing. Staff requests the Board call for a public hearing regarding the special assessment policy pursuant to NDCC 40-22-01.2.

Commissioner Askvig asked if any changes can be made to the policy at the December 22nd meeting without continuing the hearing. City Attorney Charlie Whitman said that's correct; it's a simple public hearing and the Board can make any changes to the policy it wishes at that time. Commissioner Marquardt asked if the changes will show the old language plus the changes that are made. Commissioner Grossman said there would be strikethrough and underline showing the changes made.

Commissioner Grossman made a motion to approve the request. Commissioner Askvig seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

REGULAR AGENDA

3. Receive a quarterly update from the Human Relations Committee.

Rissa Williams, member of Human Relations Committee, appeared and presented the quarterly update to the Board. The Board also recognized Ms. Williams for a recent ND Human Rights Coalition "Arc of Justice" award she received.

The Board received the update but took no formal action.

4. Consider discussion of Road Project Ten Year Capital Improvement Plan.

President Seminary said this item is for discussion only. There's no formal action required tonight. At the December 22, 2015 meeting they will present options on how to

deal with the funding for these projects. There will be public input in the early part of 2016.

The following staff appeared to give information to the Board:

- Bill Wocken, City Administrator – spoke about the projects
- Keith Hunke, Assistant City Administrator – talking about projects with the sales tax project
- Sheila Hillman, Finance Director – how 1% sales tax is used

There was discussion between staff and the Board.

The Board took no formal action.

5. The Board of City Commissioners considered the final plat of Sandy River Place Subdivisions, requested by Greg and Marny Lang and Ross Lang. The Bismarck Planning & Zoning Commission recommends approval.

Kim Lee, Planning Manager, appeared before the Board and gave background information on this item. She said the Planning & Zoning Commission held a public hearing on this request on Tuesday, November 17, 2015, and based on the findings contained in the staff report, recommended approval of the final plat for Sandy River Place Subdivision, including the granting of a waiver to allow the use of a cul-de-sac (Sandy River Place) within the subdivision.

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

6. The Board of City Commissioners considered the request from the Engineering Department for approval of the 2017-2021 Urban Regional Program, Solicitation of Projects for the North Dakota Department of Transportation (NDDOT) Transportation Improvement Program (TIP).

Mark Berg, Traffic Engineer, appeared before the Board. Annually the North Dakota Department of Transportation (NDDOT) requires each of the Metropolitan Planning Organization (MPO) to prepare and submit a listing of the projects the city/county desires to have included under the urban regional roads, bridge replacement, and safety programs for the next four years (a copy of the October 23, 2015 letter from Rachel Drewlow, Metropolitan Planning Organization is in the agenda packet).

In order for the MPO to meet NDDOT's imposed December 15, 2015, submittal deadline, it will be necessary to receive Board consideration of the proposed listing of projects from the city of Bismarck at this time. It is part of the requirement that the city of Bismarck's Urban Regional Program be coordinated through the Bismarck-Mandan

MPO prior to the deadline for prioritization. With the Board's approval, he will submit the list (in the agenda packet) to the MPO for consideration.

The project scoping forms containing the project details are available in the Engineering Department.

Commissioner Askvig made a motion to approve the request. Commissioner Guy seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

7. The Board of City Commissioners considered the following requests from Public Works Service Operations Department:

- Receive and consider disposition of bids for 2016 electronics collection and disposal and use the new bid price for 2016 non-resident fees at the Household Hazardous Waste Center.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board and presented the bids received (bid tabulation is located on the next page).

VENDOR ►			RENAISSANCE RECYCLING. LLC		THE RETROFIT COMPANIES (TRC)	
WASTE MATERIAL	UNIT	ESTIMATED QUANTITY	CITY OF BISMARCK WILL PAY COMPANY	EXTENDED COST	CITY OF BISMARCK WILL PAY COMPANY	EXTENDED COST
Fluorescent Lamps 4' & Under	Each	8,450	\$ 0.35	\$ 2,957.50	\$ 0.25	\$ 2,112.50
Fluorescent Lamps Over 4'	Each	2,200	\$ 0.45	\$ 990.00	\$ 0.41	\$ 902.00
U Shaped and Circular Bulbs	Each	200	\$ 0.50	\$ 100.00	\$ 0.41	\$ 82.00
High Intensity Discharge Lamps	Each	1,908	\$ 1.20	\$ 2,289.60	\$ 0.90	\$ 1,717.20
Compacts with Ballasts	Each	598	\$ 0.50	\$ 299.00	\$ 0.41	\$ 245.18
PCB Ballasts	Each	2,000	0.85/lb	\$ 1,700.00	0.90/lb	\$ 1,800.00
PCB Capacitors	Each	No estimate	3.25/lb		\$1.15	
Electronics	Pound	575,000	\$ 0.07	\$ 40,250.00	\$ 0.15	\$ 86,250.00
Shipping Cost		Per 24 pallet load	Est 38 loads \$500.00	\$ 19,000.00	\$ 950.00	
			TOTAL SUM BID	\$67,586.10	TOTAL SUM BID	\$ 93,108.88

After reviewing the bids using estimated electronics disposal quantities, the lowest bidder on our electronics disposal/recycling is Renaissance Recycling, LLC. I would recommend award of the contract to them for 2016. I would also ask that their unit bid price be used as the new price for non-residents and companies utilizing our Household Hazardous Waste Disposal Center starting January 1, 2016.

Commissioner Grossman made a motion to award the bid to Renaissance Recycling, LLC. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

- Receive and consider disposition of bids for disposal of Household Hazardous Waste (HHW) from the HHW and Electronics Recycling Center at the Bismarck Municipal Landfill and use the new price for 2016 non-resident fees at the Household Hazardous Waste Center.

Jeff Heintz, Public Works Service Operations Director, appeared before the Board and presented the bids received.

VENDOR* ►			VEOLIA NORTH AMERICA		WASTE RECOVERY SERVICES INC	
WASTE MATERIAL	Unit	Estimated Quantity	Unit Cost	Extended Cost	Unit Cost	Extended Cost
Unstable Reactives	Lb.	150	\$3.95	\$592.50	\$0.58	\$87.00
Waste Reactives	Lb.	100	\$3.95	\$395.00	\$0.50	\$50.00
Oxidizers (Class I & II)	Lb.	420	\$3.00	\$1,260.00	\$0.50	\$210.00
Organic Peroxides (Class I)	Lb.	10	\$4.90	\$49.00	\$0.52	\$5.20
Flammables (including solvent, aerosol)	Lb.	4360	\$1.00	\$4,360.00	\$0.87	\$3,793.20
Flammables (oil-based paint/stain)	Gal.	1900	\$2.95	\$5,605.00	\$1.15	\$2,185.00
Corrosives	Lb.	992	\$1.10	\$1,091.20	\$0.87	\$863.04
Toxics	Lb.	2200	\$1.55	\$3,410.00	\$0.87	\$1,914.00
Paint (water based)	Gal.	7277	\$2.50	\$18,192.50	\$0.80	\$5,821.60
Unknowns (liquid/solid)	Lb.	150	\$1.65	\$247.50	\$0.58	\$87.00
Mobilization Fee	Per Trip	6	\$2,268.40	\$13,610.40	\$400.00	\$2,400.00
				\$48,813.10		\$17,416.04
* BAY WEST LLC's BID REJECTED - NO ND CONTRACTOR'S LICENSE						

After reviewing the bids using estimated household hazardous waste disposal quantities, the lowest bidder is Waste Recovery Services, Inc. I would recommend award of the contract to Waste Recovery Services, Inc. for 2016. I would also ask that their bid price be used as the new price for non-residents utilizing our Household Hazardous Waste and Electronic Recycling Center starting January 1, 2016.

Commissioner Marquardt made a motion to award the bid to Waste Recovery Services, Inc. Commissioner Grossman seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

8. The Board of City Commissioners considered the request from Public Works Utility Operations Department for an Engineering Services Agreement to provide design and construction support services for Wachter Lift Station Upgrade.

City staff recently completed a project to evaluate the condition of the Wachter Master Lift Station and evaluate alternatives to upgrade its capacity to meet the city's needs for the next 20 years. The recommended project will rehabilitate the existing station and more than double its capacity to almost 15 MGD. This can be done in a way that will keep the station in operation during the construction phase. The preliminary construct cost estimate for this project is \$4.5 million.

The study and preliminary concept design was completed by Apex Engineering Group who was selected for this project using the city's competitive consultant selection process. Based upon the knowledge of this lift station that they have gained during the initial phases of this project staff believes that Apex is the most qualified firm to design the improvements. Staff is requesting the Board to authorize them to amend the existing engineering services agreement with Apex Engineering Group to provide the design and construction support services for this project. The estimated maximum fee for design and construction support is \$624,678 and will be based upon actual hours and expenses. A copy of the proposed contract amendment was included in the agenda packet.

Commissioner Askvig made a motion to approve the request. Commissioner Marquardt seconded the motion. Upon roll call, the commissioners voted as follows: Ayes: Commissioners Grossman, Guy, Askvig, Marquardt and President Seminary. Nays: None, the motion carried.

9. Other Business.

The Board took no action.

Having completed the items on the agenda, President Seminary asked if there was any further business for this meeting. There being none, the meeting was declared adjourned at 6:30 p.m.